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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,763	07/10/2001	Gregory N. Smallwood	GNS-165	8517

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SHERMAN D PERNIA, ESQ., PC  
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HOUSTON, TX 77058-3310

EXAMINER
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CHIANG, JACK

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 09/12/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/901763	G.N. Smallwood	
Examiner	J. Ching	Group Art Unit	2642 #5

**—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—**

**Period for Response**

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE -3- MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

**Status**

- Responsive to communication(s) filed on 7-10-01.
- This action is **FINAL**.
- Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

- Claim(s) 1-14 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- Claim(s) \_\_\_\_\_ is/are allowed.
- Claim(s) 1-14 is/are rejected.
- Claim(s) \_\_\_\_\_ is/are objected to.
- Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

**Application Papers**

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.
- The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119 (a)-(d)**

- Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- All  Some\*  None of the CERTIFIED copies of the priority documents have been received.
- received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

**Attachment(s)**

- Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_  Interview Summary, PTO-413
- Notice of References Cited, PTO-892  Notice of Informal Patent Application, PTO-152
- Notice of Draftsperson's Patent Drawing Review, PTO-948  Other \_\_\_\_\_

**Office Action Summary**

**CLAIMS**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Lin et al. (US 5528235).

Regarding claim 1, Lin shows:

A housing (20) containing an array of actuators (see figs. 3-5);

The array having four rows of three manually operated actuators per each row (see 20);

Each manually operated actuators (see figs. 3-5) being selectively operable to provide one of the three discrete outcomes (see letters a-z).

Regarding claims 2-14, Lin shows:

A push button assembly and a switch assembly (figs. 1-5);

Closing the switch individually or closing switches together to provide one outcome (see fig. 5);

The selection of any one of the switches (fig. 4);

The push button assembly which can be a rocker with center button (fig. 6);

The single or double pole, single throw momentary switches (figs. 3-5);  
A processor and a discriminator circuit (such as operation in fig. 5);  
At least one manually operated actuator (24J-O);  
The manually operated actuator comprises three selectively closeable electric circuit configurations (figs. 3-5).

3. Claims 1-2, 4-6, 9-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Krishnan (US 6377685).

Regarding claim 1, Krishnan shows:

A housing (10) containing an array of actuators (see figs. 1-2, 7 etc.);  
The array having four rows of three manually operated actuators per each row (see 10);  
Each manually operated actuators (see figs. 1-2, 7 etc.) being selectively operable to provide one of the three discrete outcomes (see letters a-z).

Regarding claims 2, 4-6, 9-14, Krishnan shows:

A push button assembly and a switch assembly (figs. 1, 6a, or 7, 10a);  
The selection of any one of the switches (figs. 1, 6a, or 7, 10a);  
The push button assembly (figs. 1, 7) which can be a rocker with center button (fig. 7);  
The single or double pole, single throw momentary switches (figs. 1, 7);  
A processor and a discriminator circuit (col. 23, lines 61-67, col. 24, lines 1-53);  
At least one manually operated actuator (134, or 136);

Art Unit: 2642

The manually operated actuator comprises three selectively closeable electric circuit configurations (figs. 1, 6a, or 7, 10a).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 3, 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krishnan in view of Lin.

Regarding claim 3, 7-8. Krishnan shows the switches, the combination rocker and button having center recess (figs. 1, 6a, or 7, 10a, 8).

Krishnan differs from the claimed invention in that it does not show to close two switches together to provide one outcome.

However, Lin teaches providing a button which an individual switch can be selected or close two switches together to provide one outcome (figs. 3-5).

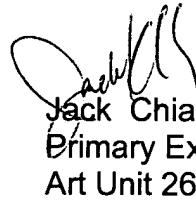
Hence, the concept of providing switches on a button is well taught by both Krishnan and Lin. Therefore, it would have been obvious for one skilled in the art to use Krishnan as it is, or to modify Krishnan to provide a feature of closing two switches to provide one outcome as taught by Lin. This is simply a variation of Krishnan because the basic concept of entering the data is substantially unchanged, and such modification would properly only require to modify the software to recognize that certain switches are closed to provide a signal as taught by Lin.

Art Unit: 2642

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack Chiang whose telephone number is 703-305-4728. The examiner can normally be reached on Mon.-Fri. from 8:00 to 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.



Jack Chiang  
Primary Examiner  
Art Unit 2642